

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Substantively
Consolidated SIPA Liquidation of Bernard L. Madoff
Investment Securities LLC and Bernard L. Madoff,

Plaintiff,

v.

UNITED CONGREGATIONS MESORA,

Defendant.

No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

Adv. Pro. No. 10-05110 (SMB)

**TRUSTEE'S FIRST SET OF REQUESTS FOR ADMISSION TO DEFENDANT
UNITED CONGREGATIONS MESORA
AND DEFENDANT'S RESPONSES AND OBJECTIONS THERETO**

PLEASE TAKE NOTICE that pursuant to Rules 26 and 36 of the Federal Rules of Civil Procedure, Rules 7026 and 7036 of the Federal Rules of Bankruptcy Procedure, the Local Rules of this Court, the Case Management Notice (Case No. 08-01789, Dkt. No. 3141), and the Litigation Protective Order (Case No. 08-01789, Dkt. No. 4137) that govern discovery in this action, Defendant United Congregations Mesora (“UCM” or “Defendant”), by and through its attorneys, K&L Gates LLP, objects and responds to Trustee’s First Set of Requests for Admission to Defendant United Congregations Mesora, dated August 18, 2014 (the “RFAs”) as follows.

DEFINITIONS

1. The rules of construction and definitions in Local Rule 26.3, as adopted in Rule 7026 of the Bankruptcy Rules, are hereby incorporated by reference. All defined terms, including those defined in Local Rule 26.3, are capitalized herein.

2. “Account” or “Accounts” means the BLMIS Account set forth on Exhibit A to the Complaint and any other BLMIS account in which any Defendant has or had any interest in any capacity, whether individually, collectively, or as a fiduciary.

3. “Applicable Period” means the period from May 21, 1996 to the present.

4. “BLMIS” means Bernard L. Madoff Investment Securities LLC, Madoff Securities International Ltd., Madoff Securities International LLC, Bernard L. Madoff, Ruth Madoff, and all affiliated Persons and entities, including, but not limited to, any officers, directors, agents, representatives, employees, partners, parent companies, subsidiaries, predecessor or successor and related entities, and affiliates of the above specifically identified Persons and entities.

5. “Complaint” means the complaint and any amended complaint(s) filed by the Trustee in this adversary proceeding.

6. “Defendant” means United Congregations Mesora.

7. “Transfer(s)” means any conveyance, transmittal, disposition, remittance, payment, or payments made by BLMIS during the Applicable Period to or on behalf of Defendant by any means including, but not limited to, cash, funds, property, or other value conveyed by check, wire transfer, debit, credit to an account, the return of property, withdrawal from an Account, or by any other manner as set forth under section 101(54) of the Bankruptcy Code or section 270 of the New York Debtor & Creditor Law. See 11 U.S.C. § 101(54); N.Y. DEBT. & CRED. Law § 270. “Transfer” also includes, but is not limited to, payments or conveyances of value by BLMIS to any third parties, including intermediaries, for the benefit of Defendant.

8. “You” or “Your” means United Congregations Mesora in any capacity, and/or anyone acting on United Congregations Mesora’s behalf or for United Congregations Mesora’s benefit, including any predecessor(s)-in-interest.

9. For all purposes herein, spelling, grammar, syntax, abbreviations, idioms, and proper nouns shall be construed and interpreted according to their context to give proper meaning and consistency to these Requests.

10. Reference to any Person that is not a natural Person and is not otherwise defined herein refers to and includes, but is not limited to, any parent, subsidiary, affiliate, division, branch, agency, representative office, predecessor, successor, principal, member, director, officer, shareholder, manager, employee, attorney-in-fact, attorney, nominee, agent, or representative of such Person.

GENERAL OBJECTIONS

UCM makes the following General Objections to each of the Trustee's Requests for Admission, and expressly incorporates them into its specific responses set forth below. The failure to refer to a particular General Objection in response to any individual Request for Admission should not be construed as a waiver of that General Objection, in whole or part.

1. UCM objects to the definition of "Account" or "Accounts" as vague and ambiguous in the context of the Requests for Admission below. In responding to these Requests, UCM understands "Account" to mean solely BLMIS Account No. 1U0013. If some other account is intended, UCM requests that the Trustee clarify its discovery requests.

2. In providing these responses and objections, UCM does not in any way waive or intend to waive, but rather intends to preserve and does hereby preserve:

- a. All objections as to relevancy, materiality, and admissibility; and
- b. All rights to object on any ground to the use of any responses to this RFA as evidence in this or any other action, or in any subsequent proceeding.

3. These objections and responses are limited to the information available to UCM at this time. Further discovery, investigation, and other pretrial preparation may disclose additional or different information. Accordingly, UCM expressly reserves the right to correct, clarify, amend, and/or supplement the objections and responses herein, if and when it obtains additional information.

REQUESTS FOR ADMISSION

1. Admit that Column 4 of Exhibit B to the Complaint accurately reflects the deposits made into the Account.

RESPONSE:

Admit.

2. Admit that Column 5 of Exhibit B to the Complaint accurately reflects the
withdrawals from the Account.

RESPONSE:

Admit.

Dated: October 15, 2014

K&L GATES LLP

By: 

1601 K Street NW

Washington, DC 20006-1600

Telephone: 202.661.3730

Facsimile: 202.778.9100

Richard A. Kirby

Email: Richard.Kirby@klgates.com

Laura K. Clinton

Email: Laura.Clinton@klgates.com

Martha Rodriguez Lopez

Email: Martha.RodriguezLopez@klgates.com

Attorneys for Defendant

CERTIFICATE OF SERVICE


I hereby certify that a true and accurate copy of the foregoing TRUSTEE'S FIRST SET OF REQUESTS FOR ADMISSION TO DEFENDANT UNITED CONGREGATIONS MESORA AND DEFENDANT'S RESPONSES AND OBJECTIONS THERETO was served this 15th day of October, 2014 by:

electronic mail to:

David J. Sheehan
Nicholas J. Cremona
Christa C. Turner
BAKER & HOSTETLER LLP
45 Rockefeller Plaza
New York, New York 10111
Email: dsheehan@bakerlaw.com
Email: ncremona@bakerlaw.com
Email: cturner@bakerlaw.com

electronic mail and overnight delivery to:

Sammantha Clegg
BAKER & HOSTETLER LLP
45 Rockefeller Plaza
New York, New York 10111
Email: sclegg@bakerlaw.com



Martha Rodriguez Lopez
An Attorney for Defendant